

1 JUDGE CHACHKIN: Now we have 134. Your objection
2 is?

3 MR. TOPEL: My objection is that it's incompetent
4 and, and irrelevant. None of these people have been examined
5 about this document, and on it's, on it's face, it's
6 irrelevant.

7 JUDGE CHACHKIN: Mr. Cohen?

8 MR. COHEN: Well, the competency objection I'll deal
9 with first, Your Honor. I, I, I respectfully submit the
10 argument is not well taken. I've done a little research on
11 this, Your Honor, and I think that the, clearly, the documents
12 meet the authentication requirements of Rule 901 and 903 of
13 the federal rules of evidence. There's no doubt in my mind on
14 that. I have -- I've done some research. I have found
15 cases, Your Honor --

16 JUDGE CHACHKIN: Well, what are you claiming they're
17 not -- that were taken from your files or --

18 MR. TOPEL: No, I -- well, I -- what I'm -- my
19 concern is that, that it's improper to use them to, again, as,
20 as, as we discussed previously, to, to, to draw conclusions or
21 inferences from what's meant in the, in the text of a document
22 unless the witness has an opportunity to explain what's meant
23 in the text of the document, and, and none of these people
24 were deposed.
25

JUDGE CHACHKIN: All right, so, Mr. Cohen, we're not

1 talking about -- pro tem.

2 MR. COHEN: Okay, well, I'm glad that --

3 JUDGE CHACHKIN: We're talking about the question do
4 you have anybody to sponsor this or discuss this?

5 MR. COHEN: And I don't think you need to, and I
6 think --

7 JUDGE CHACHKIN: Well, that's what I want to know.

8 MR. COHEN: And, and the law is very clear on that,
9 Your Honor.

10 JUDGE CHACHKIN: Well, what is there --

11 MR. COHEN: There is no sponsoring witness required
12 under the federal rules for a document such as this --

13 JUDGE CHACHKIN: Well --

14 MR. COHEN: -- and the Commission has precedent
15 which supports that.

16 JUDGE CHACHKIN: Well, what, what is it in this
17 document -- why is this particular document relevant?

18 MR. COHEN: Thank you, Your Honor, that's what I'd
19 like to address. That's the real issue, it seems to me --

20 JUDGE CHACHKIN: All right.

21 MR. COHEN: -- that you need to focus on.

22 JUDGE CHACHKIN: All right.

23 MR. COHEN: Okay, you have to satisfy yourself on
24 that point. Now, again, Your Honor, as the testimony will
25 unfold, you will learn that George D. Sebastian was a

1 full-time -- he was a, a full-time volunteer for Trinity who
2 acted in the capacity as low-power television director, and as
3 one of the hats he wore, he also held himself out pursuant to
4 instructions from Jane Duff as a consultant for National
5 Minority Television and he called himself in this letter a
6 consultant, and that's all that I'm offering it for, nothing
7 more, Your Honor, and I can get -- if I can get --

8 MR. TOPEL: All right, that can be established
9 through examination.

10 MR. COHEN: And I think the document states that,
11 and it's clear, and precedent is overwhelming that the
12 document can be received for that purpose.

13 JUDGE CHACHKIN: You have no objection to that
14 purpose, to show --

15 MR. TOPEL: I, I will stipulate --

16 JUDGE CHACHKIN: -- that he held himself out as a
17 consultant.

18 MR. TOPEL: I have -- for that purpose, I don't
19 think we need the piece of paper in the record for that.
20 Mrs. Duff has testified about low-powered television and I'm
21 sure there's going to be cross-examination on it, but if, if
22 the, if the offer is limited simply for the purpose of
23 establishing that Mr. Sebastian held himself out on
24 November 1, 1989, as a consultant for National Minority
25 Television, Inc., for that limited purpose and no other, I

1 have no problem.

2 MR. COHEN: That's what was agreed --

3 JUDGE CHACHKIN: All right, then Glendale

4 Exhibit 136 is received for the limited purpose --

5 MR. SHOOK: That's 134, Your Honor.

6 MR. TOPEL: 134.

7 JUDGE CHACHKIN: -- 134, I'm sorry, for the limited
8 purpose indicated.

9 (Whereupon, the document previously
10 marked for identification as Glendale
11 Exhibit 134 was received into
12 evidence.)

13 JUDGE CHACHKIN: What about 136, what's your
14 objection there?

15 MR. TOPEL: Okay --

16 MR. COHEN: It's being offered for the same purpose,
17 Your Honor.

18 MR. TOPEL: Your Honor, I'm not -- I --

19 MR. SHOOK: Your Honor, I don't believe Glendale
20 offered Exhibit 136.

21 JUDGE CHACHKIN: Oh, I'm -- you're right,
22 Exhibit 136 --

23 MR. TOPEL: I, I don't have that down as an exhibit
24 that I objected to.

25 JUDGE CHACHKIN: Okay, 136 was not offered, I'm

1 | sorry. 138, is it the same purpose?

2 | MR. COHEN: Same purpose.

3 | JUDGE CHACHKIN: I will receive it for that same
4 | limited purpose. Glendale Exhibit 138 is received.

5 | (Whereupon, the document previously
6 | marked for identification as Glendale
7 | Exhibit 138 was received into
8 | evidence.)

9 | JUDGE CHACHKIN: 130--

10 | MR. TOPEL: Your Honor, I have a, a, I guess more of
11 | a matter of -- oh, hold on one second. Okay, so this is
12 | offered solely for the purpose of establishing the fact that
13 | George Sebastian was a consultant --

14 | JUDGE CHACHKIN: Exactly, on behalf of the --

15 | MR. TOPEL: -- for National Minority Television.

16 | JUDGE CHACHKIN: -- National Minority Television in
17 | connection with this engineering --

18 | MR. COHEN: And he held himself out in that
19 | capacity.

20 | JUDGE CHACHKIN: Yes.

21 | MR. TOPEL: We're not -- there's no, no secret about
22 | that, Your Honor.

23 | JUDGE CHACHKIN: All right.

24 | MR. SHOOK: Your Honor, I think what he was is going
25 | to have to be thrashed out of it in terms of what he held

1 up -- held himself out to be. There may be no dispute about
2 that right now, but what he actually was is something that we
3 all need to get into.

4 JUDGE CHACHKIN: All right. Okay, and nobody has
5 requested this particular --

6 MR. SHOOK: No.

7 JUDGE CHACHKIN: -- individual as a witness.

8 MR. SHOOK: Correct.

9 JUDGE CHACHKIN: Glendale Exhibit 139 is received.
10 Now we have 142.

11 MR. SHOOK: No, that was 138.

12 MR. TOPEL: 139 --

13 MR. SHOOK: Exhibit 138, sir.

14 JUDGE CHACHKIN: Was that 138?

15 MR. TOPEL: That was 138 rather than 139, I think.

16 JUDGE CHACHKIN: Oh, 139 we haven't done yet, all
17 right.

18 MR. COHEN: We haven't done 139?

19 MR. TOPEL: And, Your Honor, I, I -- if these
20 documents are being offered for these, these very
21 narrow-focused purposes, you know, perhaps we can move through
22 them very quickly because, again, if, if the purpose of this
23 document is to show that Mr. Horvath was acting, or in
24 Mr. Shook's words, holding himself out as a consultant
25 National Minority TV, I have no objection to the document for

1 that limited purpose. If, if the intent is to use it to go to
2 the heart of the issue of who made decisions, I don't think
3 the document can be received without some testimony about it.

4 MR. COHEN: Your Honor, that doesn't -- that seems
5 to me to be an objection that's not well-founded. If you
6 look -- you admit this for the purpose that you admit it for,
7 any inferences that are proper can be drawn from that. Now,
8 George Horvath's deposition was taken. He is not going to be
9 a witness but Mrs. Duff is going to be asked questions about
10 him. I'm offering this document because it states on its face
11 that it's -- on the letterhead of NMTV George Horvath calls
12 himself a consultant. He says he's a replacement for
13 George Sebastian. I'm not offering it for the content of
14 what's in, what's in the facsimile.

15 MR. TOPEL: Okay.

16 MR. COHEN: I'm offering it for the purposes of what
17 it holds itself out to be, and any inferences that can be
18 drawn from that are fair game.

19 MR. TOPEL: Yes, but not from the content of the
20 letter, and I have no -- Mr. Cohen, inferences as to the
21 holding out, I don't have a problem with, but I think
22 Mr. Cohen is, is agreeing that this offer is similar to the
23 previous offers and --

24 MR. COHEN: Yes.

25 MR. TOPEL: -- and I have no objection to it for the

1 | limited purpose that Mr. Cohen just stated, which relates to
2 | Mr. Horvath's position.

3 | MR. COHEN: Your Honor, I want to be clear because
4 | I, I want to make sure that I'm, I'm not -- I'm, I'm -- I want
5 | to make sure that my position is clear on the record. I have
6 | no interest in the fact that George Horvath wrote to Mr. Perry
7 | about satellite-dish requirements. That, to me, is absolutely
8 | irrelevant. What's relevant is that he wrote to Perry; that
9 | he held himself out as a consultant on the letterhead of NMTV,
10 | and I can draw, I submit to you respectfully, whatever
11 | inferences I deem are appropriate from that holding out, and I
12 | think that directly bears upon the issues in this proceeding,
13 | the abuse of process issue, the paragraph from, from 30 to the
14 | designation that I read you.

15 | JUDGE CHACHKIN: Well, we'll just have to see where
16 | the evidence goes, but Glendale Exhibit 139 is received.

17 | MR. TOPEL: Subject to the discussion we've had, is
18 | that correct, Your Honor?

19 | JUDGE CHACHKIN: Well, it was a limited purpose for
20 | which it's being used, yeah.

21 | MR. TOPEL: Yes, for the limited purpose, yeah.

22 | (Whereupon, the document previously
23 | marked for identification as Glendale
24 | Exhibit 139 was received into
25 | evidence.)

1 JUDGE CHACHKIN: 142.

2 MR. COHEN: Exactly the same.

3 JUDGE CHACHKIN: All right, Glendale Exhibit 142 --

4 MR. COHEN: But this deals with Ben Miller -- no,
5 excuse me, you're -- I'm, I'm in error. Exactly the same,
6 Your Honor.

7 JUDGE CHACHKIN: All right, Glendale Exhibit 142 is
8 received for the same limited purpose.

9 (Whereupon, the document previously
10 marked for identification as Glendale
11 Exhibit 142 was received into
12 evidence.)

13 JUDGE CHACHKIN: Now we move on to 153.

14 MR. TOPEL: Let me see, Your Honor. I, I have no
15 objection to this document subject to, to its relevance being
16 tied.

17 JUDGE CHACHKIN: Glendale Exhibit 153 is received.

18 (Whereupon, the document previously
19 marked for identification as Glendale
20 Exhibit 153 was received into
21 evidence.)

22 JUDGE CHACHKIN: 155. Objection?

23 MR. TOPEL: I'm looking -- can I have 1 second,
24 Your Honor. I don't have that on my list of documents that I
25 was objecting to.

1 JUDGE CHACHKIN: Well, that will make it easy for
2 us.

3 MR. TOPEL: Except -- so I don't object to it.

4 JUDGE CHACHKIN: Glendale Exhibit 155 is received.
5 (Whereupon, the document previously
6 marked for identification as Glendale
7 Exhibit 155 was received into
8 evidence.)

9 JUDGE CHACHKIN: The next one is 160. Any
10 objection?

11 MR. TOPEL: Again, Your Honor, my objection is that,
12 that Mr. Miller was never examined about this document as far
13 as we could tell, so he was unable to give his position on the
14 substance of the document. Again, if Mr. Cohen is offering it
15 for one of his limited purposes, I, I have no -- might have no
16 objection to it. If -- the particular document is unsigned,
17 so I don't even know --

18 MR. COHEN: Limited purpose, Your Honor.

19 MR. TOPEL: I don't --

20 MR. COHEN: Limited purpose.

21 MR. TOPEL: Okay.

22 JUDGE CHACHKIN: All right, the document is received
23 for the limited purpose indicated, namely Mr. Miller,
24 Mr. Miller holding himself out in a position with National
25 Minority TV, Inc., in this particular memo. Glendale

1 Exhibit 160 has been received.

2 (Whereupon, the document previously
3 marked for identification as Glendale
4 Exhibit 160 was received into
5 evidence.)

6 JUDGE CHACHKIN: The next one is 161. Is that a
7 similar situation?

8 MR. COHEN: Absolutely.

9 JUDGE CHACHKIN: Glendale Exhibit 161 is received
10 for the limited purpose indicated.

11 (Whereupon, the document previously
12 marked for identification as Glendale
13 Exhibit 161 was received into
14 evidence.)

15 JUDGE CHACHKIN: The next one is 167.

16 MR. SHOOK: Your Honor, has 164 been received?

17 JUDGE CHACHKIN: That's right. You're right, 164,
18 is that a similar situation?

19 MR. TOPEL: Yes.

20 JUDGE CHACHKIN: And that's correct, Mr. --

21 MR. COHEN: Yes.

22 JUDGE CHACHKIN: -- Cohen?

23 MR. COHEN: Yes.

24 JUDGE CHACHKIN: All right, 164, Glendale
25 Exhibit 164 is received.

1 (Whereupon, the document previously
2 marked for identification as Glendale
3 Exhibit 164 was received into
4 evidence.)

5 JUDGE CHACHKIN: Now we get to 167. Again is this a
6 similar situation?

7 MR. COHEN: Yes.

8 JUDGE CHACHKIN: Glendale Exhibit 167 is received.

9 JUDGE CHACHKIN: 168?

10 MR. TOPEL: Your Honor, on, on this one, I don't --
11 I mean, I don't have a big problem with it because I think --
12 maybe Mr. Shook can help me. Was this in one of the Bureau
13 exhibits, also, or something similar? This is, I believe,
14 this is a document filed with the FCC, and I certainly have no
15 objection to evidence indicating that Mr. Miller held himself
16 out this way to the FCC. Can Mr. Cohen confirm?

17 MR. COHEN: I can't. I'm, I'm sorry, I can't
18 confirm this.

19 MR. TOPEL: Supplemental --

20 MR. COHEN: I, I don't want to mislead you, however.

21 MR. TOPEL: Okay, well, I, I suppose we can find
22 where applications for Private Operational Fixed Stations
23 goes. I, I, I have no -- subject to Mr. Cohen's limitation, I
24 have no problem.

25 JUDGE CHACHKIN: All right, Glendale Exhibit 167 is

1 received.

2 (Whereupon, the document previously
3 marked for identification as Glendale
4 Exhibit 167 was received into
5 evidence.)

6 JUDGE CHACHKIN: Now 168?

7 MR. TOPEL: Okay, this is the same, same category.

8 JUDGE CHACHKIN: Glendale Exhibit 168 is received.

9 (Whereupon, the document previously
10 marked for identification as Glendale
11 Exhibit 168 was received into
12 evidence.)

13 JUDGE CHACHKIN: 171 is also the same category.

14 MR. COHEN: Yes, it is.

15 JUDGE CHACHKIN: Mr. Cohen?

16 MR. COHEN: Yes, it is.

17 JUDGE CHACHKIN: Glendale Exhibit 171 is received.

18 (Whereupon, the document previously
19 marked for identification as Glendale
20 Exhibit 171 was received into
21 evidence.)

22 JUDGE CHACHKIN: And 173?

23 MR. TOPEL: I don't think the document on its face
24 proves anything.

25

MR. COHEN: Well, Your Honor --

1 MR. TOPEL: We don't know where it came -- I don't
2 think anyone was ever examined on this. I don't think there
3 is -- I don't know that there can be any way to tie this up.
4 It's a piece of paper that says "proposal" on it.

5 MR. COHEN: Well, Your Honor, first, I'll -- I
6 believe that Channel 51 was an NMTV channel, and that's what I
7 believe, and if I'm in error, I withdraw it, but that's what I
8 was -- my investigation showed that. Now, if I'm wrong,
9 please tell me because I certainly --

10 MR. TOPEL: Well, I, I don't, I don't know, but --

11 MR. SHOOK: Your Honor --

12 MR. TOPEL: -- but I don't -- we don't know who
13 authored this document, so I --

14 MR. COHEN: Well, I, I think if, if I'm right,
15 Your Honor, that this is an NMTV -- Channel 51, Columbia, was
16 an NMTV channel, it's directly relevant because it shows the
17 interchangeability, the fungibility of NMTV. Now, records --
18 testimony will identify who Planck Technical Services was. It
19 was at one time owned in part by Trinity, and it's the
20 construction -- one of the construction arms of Trinity, and
21 it also does construction work for NMTV. I will elicit that
22 testimony from Jane Duff and/or Paul Crouch.

23 JUDGE CHACHKIN: All right --

24 MR. TOPEL: Your Honor, may, may I be heard on this
25 issue?

1 JUDGE CHACHKIN: Yes.

2 MR. TOPEL: On two points. First of all, the a
3 point of interchangeability, I don't think Mr. Cohen can tell
4 you who prepared this document, and absent that I don't think
5 it has any probative value in the case.

6 JUDGE CHACHKIN: Well, we have to find out whether
7 someone can identify where this document came from and at
8 whose behest it was prepared.

9 MR. TOPEL: And I think that needs to happen before
10 it's received into evidence, would be, would be my position.
11 On the issue of, of Planck -- well, I'll, I'll save my speech
12 either for the hearing or for my proposed findings, but the
13 situation with Planck developed in a very innocent manner, and
14 the evidence will speak for itself.

15 JUDGE CHACHKIN: Bureau have some comment on this?

16 MR. SHOOK: Well, only to inform Your Honor that our
17 information is consistent with Mr. Cohen's in that Columbia,
18 South Carolina, Channel 51 was an NMTV station, and the, the
19 Bureau does have an exhibit, No. 392, that may as -- may well
20 have this page, Glendale Exhibit 173, in there. There is a
21 series --

22 JUDGE CHACHKIN: Well, let's -- why don't you look
23 and see if you do then we can --

24 MR. COHEN: Save a lot of time. What exhibit is
25 that?

1 MR. SHOOK: 392.

2 (Pause.)

3 MR. SHOOK: No, Your Honor, it's not in there,
4 however, our Exhibit 392 does deal with Columbia, South
5 Carolina, and it brings to the fore a number of the people who
6 were involved in the process, and we do know from those
7 documents that this was an NMTV station, not a TBN station.

8 MR. TOPEL: Well, my question would be, are we going
9 to -- may I, Your Honor? My question would be, are we going
10 to have testimony as to who prepared this document, and if
11 there's a mistake in it, is there going to be a witness who
12 has an -- is the person who prepared this going to have an
13 opportunity to explain what happened, because otherwise the
14 document doesn't prove anything.

15 MR. COHEN: Well, I don't agree --

16 MR. TOPEL: If it's being offered to -- for
17 someone's state of mind as to whose facility this, this was,
18 and there's a, a mistake, that somebody needs to explain that
19 mistake, and, to my knowledge, that somebody was, was neither
20 discovered during discovery or has been called for examination
21 in this hearing.

22 MR. COHEN: Your Honor, I don't, I don't accept my
23 friend Mr. Topel's theory of, of, of relevance. I don't think
24 that that's required at all. The document says what it says,
25 and whatever inferences that you deem were proper can be drawn

1 from that, and Mr. Topel's point really goes to the weight
2 that the document has -- should be given. Mr. Topel has this
3 notion that you have to show a document to a witness and ask
4 him to explain why he wrote it. That's, that's not proper
5 law. That's -- the laws of evidence don't require that.

6 MR. TOPEL: I don't think you can draw inferences
7 about what a document was intended to mean based on a notation
8 on the document if -- or, or who's -- or, or a conclusion
9 about whose intention it related to unless someone can
10 identify whose document it is. I think that's a, a basic
11 concept of evidence.

12 JUDGE CHACKIN: Well, consistent with what I've
13 done with others, I will receive it subject to being tied in.
14 If all it can be tied in for is to show that Planck Television
15 Technical Services performed services for TBN or NMTV, that's
16 all it will shown for, that's all it will be received for; and
17 if that's all the testimony comes out, if the testimony does
18 establish that this particular proposal and the contents of
19 this proposal are meaningful, then it will be received for
20 that purpose. Right now all I'm receiving it for -- well,
21 we'll just see what -- where it goes.

22 (Whereupon, the document previously
23 marked for identification as Glendale
24 Exhibit 173 was received into
25 evidence.)

1 JUDGE CHACHKIN: The next one is 179.

2 MR. TOPEL: Okay, this is, is similar to the series
3 of documents that I believe Mr. Cohen limited the purpose of
4 his offer, and subject to that limitation I don't have any
5 objection.

6 JUDGE CHACHKIN: Is that correct, Mr. Cohen?

7 MR. COHEN: Yes.

8 JUDGE CHACHKIN: Glendale Exhibit 179 is received.

9 (Whereupon, the document previously
10 marked for identification as Glendale
11 Exhibit 179 was received into
12 evidence.)

13 JUDGE CHACHKIN: What about 180? Is that a similar
14 situation?

15 MR. TOPEL: Which one are we up to, Your Honor? I'm
16 sorry.

17 JUDGE CHACHKIN: 180.

18 MR. TOPEL: Yes, that would be the same situation.

19 JUDGE CHACHKIN: Is that satisfactory to you?

20 MR. COHEN: Yes.

21 JUDGE CHACHKIN: Glendale Exhibit 180 is received.

22 (Whereupon, the document previously
23 marked for identification as Glendale
24 Exhibit 180 was received into
25 evidence.)

1 JUDGE CHACHKIN: The next one is 181.

2 MR. TOPEL: I don't know what relevance it has. I
3 have no problem with the fact that Mr. Miller wrote to
4 Mrs. Duff and asked for a copy of the, the license.

5 MR. COHEN: It's states here "reviewing my records,"
6 and this is --

7 MR. TOPEL: But I have, I have, I have no objection
8 to it, Your Honor --

9 JUDGE CHACHKIN: All right, then.

10 MR. COHEN: This is -- to find that document.

11 MR. TOPEL: -- if that's going to decide the control
12 issue.

13 JUDGE CHACHKIN: All right, Glendale Exhibit 181 is
14 received.

15 (Whereupon, the document previously
16 marked for identification as Glendale
17 Exhibit 181 was received into
18 evidence.)

19 JUDGE CHACHKIN: The next one is 183. Objection?

20 MR. TOPEL: Yes, Your Honor. I, I don't have a clue
21 to what this document is so I object on the ground that it is
22 irrelevant.

23 MR. COHEN: If I could have a second, Your Honor.

24 This is also a -- could I have a moment, Your Honor?
25

JUDGE CHACHKIN: Yes.

1 (Pause.)

2 MR. COHEN: I want to withdraw the document,
3 Your Honor.

4 JUDGE CHACHKIN: All right, Glendale Exhibit 182 is
5 not being offered.

6 MR. TOPEL: That was 183, Your Honor.

7 JUDGE CHACHKIN: 183 is not being offered, I'm
8 sorry. Glendale Exhibit 183 has not been offered. The next
9 one is 201. What is this objection?

10 MR. TOPEL: I, I think this probably comes under the
11 category -- this is a Mr. Horvath document, I guess, that
12 Mr. Cohen wants to -- well, I'm not sure -- well, I'll object
13 on the grounds of relevance. I, I don't know what --

14 MR. COHEN: Well, Your Honor, this --

15 MR. TOPEL: I'm trying to define what it's offered
16 for but I shouldn't. I, I, I think it's irrelevant.

17 MR. COHEN: This document is instructive because
18 George Horvath is writing to a TBN employee, Tim Guist, and
19 asking him to perform services. Now this certainly shows the
20 fungibility of NMTV and, I mean, it --

21 JUDGE CHACHKIN: All right, there is going to be
22 somewhere identified who Tim Guist is in the record?

23 MR. COHEN: I'm going to ask Jane Duff who Tim Guist
24 is.

25 JUDGE CHACHKIN: All right, I, I will receive TBN --

1 I mean, Glendale Exhibit 201 as being received.

2 (Whereupon, the document previously
3 marked for identification as Glendale
4 Exhibit 201 was received into
5 evidence.)

6 JUDGE CHACHKIN: Next one is 205.

7 MR. TOPEL: Okay, this is the same category of, of
8 Ben Miller memoranda that, that he was not examined about
9 during discovery.

10 JUDGE CHACHKIN: And this is being offered to show
11 that --

12 MR. TOPEL: Well, actually --

13 MR. COHEN: Well, it's being offered to show here,
14 Your Honor, that Ben Miller wrote a letter to Sam Cochran
15 where he says, "I have sent Mark Fountain, chief engineer, to
16 look at a TBN affiliate at KNMT in Portland to look at the
17 equipment." So, obviously, Mr. Miller had the kind of role
18 with Mark Fountain that he could send him to look at the
19 equipment. That's what it's being offered for.

20 JUDGE CHACHKIN: All right, I will receive Glendale
21 Exhibit 205.

22 (Whereupon, the document previously
23 marked for identification as Glendale
24 Exhibit 205 was received into
25 evidence.)

1 JUDGE CHACHKIN: 206?

2 MR. TOPEL: This is a similar quotation. I think
3 you receive the last one subject to it being tied.

4 JUDGE CHACHKIN: Yes.

5 MR. TOPEL: So I, I think this would fall in the
6 same category.

7 JUDGE CHACHKIN: Glendale Exhibit 206 is received.
8 (Whereupon, the document previously
9 marked for identification as Glendale
10 Exhibit 206 was received into
11 evidence.)

12 JUDGE CHACHKIN: I note there, Mr. Cohen, that TBN
13 there was crossed out --

14 MR. COHEN: Yes.

15 JUDGE CHACHKIN: -- and NMTV --

16 MR. COHEN: That's the relevance of that.

17 JUDGE CHACHKIN: Well --

18 MR. COHEN: But I will ask Mrs. Duff about it.

19 JUDGE CHACHKIN: All right, fine. The next one --
20 is that the last one?

21 MR. COHEN: That's the last one.

22 JUDGE CHACHKIN: All right, we'll, we'll take a
23 10-minute recess. We'll begin with the Bureau's exhibits.

24 (Whereupon, a brief recess was taken.)

25 JUDGE CHACHKIN: Back on the record. All right,

1 let's begin with the Bureau exhibits. There's objection right
2 from the beginning, I see here.

3 MR. TOPEL: Yes, Your Honor. Bureau Exhibit 1 is a
4 document that came into existence 9 months before National
5 Minority Television came into existence. Our position is, is
6 that it's relevant, both to de facto control or to abuse of
7 process.

8 JUDGE CHACHKIN: Bureau Exhibit 1 is received.
9 (Whereupon, the document previously
10 marked for identification as Bureau
11 Exhibit 1 was received into
12 evidence.)

13 JUDGE CHACHKIN: Objections to 2? Same grounds, it
14 came into existence prior to the filing of an application?

15 MR. TOPEL: Well, I, I have no -- I can't discern
16 from the document the purpose for which it's being offered so
17 I --

18 JUDGE CHACHKIN: Well --

19 MR. TOPEL: I mean, it's, it's, you know, it's -- I
20 concede it's July 4th, 1980, minutes of a special meeting of
21 TBN but if, if a purpose can be stated.

22 JUDGE CHACHKIN: Well, it shows who attended and
23 what occurred at this meeting, and we -- well, I'll ask the
24 Bureau. What's the purpose?
25

MR. SHOOK: There are several things that we wish to

1 establish through this document. It's not as if this is the
2 only means for doing so, but it's, it's a starting point.
3 First of all, we have Colby May's attendance, although his
4 name is noted here as Colby Myers but we believe that that's
5 Colby May. Secondly, we have TBN -- this is a TBN board
6 meeting, but what it's doing is considering the business of a
7 corporation called Trinity of Texas. That appears in the --
8 this paragraph. We also have Jane Duff and Ralph Duff, who is
9 Jane's husband, being ordained as TBN ministers, and this, to
10 our understanding, is the start of both of them being ordained
11 ministers in the TBN organization and all that that could
12 entail; and, finally, on the second page, there is the
13 proposal or reference to making a loan to Trinity Broadcasting
14 of Florida, and the Bureau wishes to show by this and by other
15 activities that there was a pattern of conduct with respect to
16 monies that were transferred in one way or another among the
17 various Trinity organizations and that this kind of activity
18 was similar to, if not identical to, the activity that took
19 place relative, first at Translator TV, Inc., and then
20 secondly to National Minority TV.

21 JUDGE CHACKIN: I've heard enough. I will receive
22 Bureau Exhibit 2.

23 (Whereupon, the document previously
24 marked for identification as Bureau
25 Exhibit 2 was received into

1 evidence.)

2 JUDGE CHACHKIN: Objection to Bureau Exhibit 3?

3 MR. TOPEL: I'm afraid on this, I -- I mean, I think
4 I'm starting to get a, a flavor of why the Bureau thinks these
5 documents are relevant and I continue to disagree, but we'll
6 present that to Your Honor at the appropriate time and place,
7 but I have to say that a bright light hasn't gone on yet for
8 me on, on this balance sheet.

9 JUDGE CHACHKIN: Except that it shows a combined
10 balance and it shows various affiliates, including Trinity
11 Broadcasting of Florida, Inc. But that's -- anything -- any
12 other purpose?

13 MR. SHOOK: Well, Your Honor, this is the first
14 balance sheet that we're aware of that precedes Translator TV,
15 Inc. coming into the picture, and so we simply wanted to have
16 an exhibit that showed how Trinity, you know, viewed its
17 financial situation before Translator TV, Inc. came into the
18 picture, and then we have a subsequent balance sheet that
19 shows how it viewed itself after Translator TV, Inc. came into
20 the picture.

21 JUDGE CHACHKIN: Bureau Exhibit 3 is received.

22 (Whereupon, the document previously
23 marked for identification as Bureau
24 Exhibit 3 was received into
25 evidence.)